THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.11192 of 2007

Date: 30.05.2007

Between:

G.Appala Naidu and another.

....Petitioner

And

The Government of A.P. and another.

....Respondents

O R D E R:

Petitioners state that they are the owners and possessors of land admeasuring Acs.2.15 cents, in survey No.31 of Cheemalapalli Village, Visakhapatnam District. It is stated that they intended to sell the said land and in that process, approached the second respondent, to register the same in favour of the intending purchaser. The grievance of the petitioners is that the second respondent is not entertaining any document on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second

respondent to receive and process the documents that may be presented by the petitioners and take necessary steps, in accordance with the provisions of the Act without reference to any circulars issued by the Government of A.P. or any other functionaries under the Act. There shall be no order as to costs.

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30.05.2007

kdl

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77